Notice of Allowability	Application No.	Applicant(s)	
	10/711,902	TAYLOR, JOHN B.	
	Examiner	Art Unit	
	Darren W. Ark	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *IDS filed 10/12/04*.

2. ☒ The allowed claim(s) is/are *1-9*.

3. ☒ The drawings filed on *12 October 2004* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/12/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following amendments to the claims were made to overcome claim objections and 35 U.S.C. 112, 2nd paragraph problems, but were not made to overcome any of the prior art of record. The application has been amended as follows:

Specification:

Page 3, line 8, inserted --degrees-- after "180".

Claims:

Claim 1. A fishing lure comprising:

a main body member formed from thin, resilient film, the main body member having fore and aft ends and upwardly-open, U-shaped, longitudinal cross-sections;

the main body member having an open mouth at the fore end and an open exit at the aft end, the exit having opposed vertical exterior side walls joined by a curved exterior bottom wall and a back wall;

a forwardly-open cap extending upwardly from the exit of the main body member, the cap sealingly joined to at least one of the walls of the main body member exit;

the cap further having a curved interior bottom wall joined to the bottom of an aft vertical interior wall, and a curved upper interior wall joined to a top of the aft vertical wall, such that water entering the open mouth of the main body member is routed aftwardly to the exit, then upwardly along the cap vertical wall, and then forwardly along the curved upper interior wall to an open exit of the cap located above the main body member exit;

at least one floatation pontoon fixed to the main body member, the at least one floatation pontoon adapted to position the fore end of the main body member below the water line and the aft end of the main body member above the water line when the lure is in water at rest;

a spring anchor rod fixed to the aft end of the main body member;

a guide ring support fixed to the main body member at the mouth;

a guide ring depending from the guide ring support;

a slider tube interfitted with the guide ring for relative translating motion with respect to the main body member within the guide ring;

a spring post at a forward end of the slider tube;

a cylindrical coil spring extending between a forward end engaged with the spring post and an aft end engaged with the spring anchor rod; and

the length and spring rate of the coil spring being selected such that when the lure is pulled through water, with the main body member and cap creating drag and

circulating water through the main body member and the cap, the slider tube telescopes with respect to the main body member thereby elongating the coil spring to create tension opposing the drag, and when tension on the lure is released, the slider tube is translated under spring tension back to the spring anchor rod, thereby creating a fish-attractive, jumping lure motion.

Claim 2. The fishing lure of Claim 1 with the main body member tapering to smaller dimensions both vertically and horizontally from the fore end to the aft end~~s~~.

Claim 3. The fishing lure of Claim 1 with the cap having opposed lower ~~middle~~ interior side walls sealingly joined at forward portions to the vertical exterior side walls of the exit, and the cap having the ~~a~~ curved interior bottom wall sealingly joined at a forward portion to the curved exterior bottom wall of the exit.

Claim 4. The fishing lure of Claim 1 with the at least one floatation pontoon comprising two rectangular block-shaped floatation pontoons, each pontoon spanning essentially all of one of two opposing exterior side walls of the main body member.

Claim 6. The fishing lure of Claim 1 with the guide ring support fixed to and spanning interior ~~the exterior~~ side walls of the main body member at the mouth.

Claim 8. The fishing lure of Claim 1 with the cylindrical coil spring being substantially entirely within the slider tube.

Claim 9. A fishing lure, comprising:

a main body member formed from thin, resilient film, the main body member having fore and aft ends and upwardly-open, U-shaped, longitudinal cross-sections, with the main body member tapering to smaller dimensions both vertically and horizontally from the fore end to the aft end~~s~~;

the main body member having an open mouth at the fore end and an open exit at the aft end, the exit having opposed vertical exterior side walls joined by a curved exterior bottom wall and a back wall;

a forwardly-open cap extending upwardly from the exit of the main body member, the cap having opposed lower interior side walls sealingly joined to the vertical exterior side walls of the exit, and the cap having a curved interior bottom wall sealingly joined to the curved exterior bottom wall of the exit, and an aft vertical interior wall joined to the back wall of the exit;

the cap further having the ~~a~~ curved ~~lower~~ interior bottom wall joined to the bottom of an aft vertical interior wall, and a curved upper interior wall joined to a top of the aft vertical wall, such that water entering the open mouth of the main body member is routed aftwardly to the exit, then upwardly along the cap vertical wall, and then forwardly along the curved upper interior wall to an open exit of the cap located above the main body member exit;

two rectangular block-shaped floatation pontoons, each pontoon spanning essentially all of one of two opposing exterior side walls of the main body member, the floatation pontoons adapted to position the fore end of the main body member below the water line and the aft end of the main body member above the water line, when the lure is in water at rest;

a spring anchor rod fixed to and spanning the floatation pontoons in the aft end of the main body member;

a guide ring support fixed to and spanning ~~the~~ interior side walls of the main body member at the mouth;

a guide ring depending from the guide ring support;

a slider tube interfitted with the guide ring for relative translating motion with respect to the main body member within the guide ring;

a spring post extending through a forward end of the slider tube;

a cylindrical coil spring substantially entirely within the slider tube, the spring extending between a forward end engaged with the spring post and an aft end engaged with the spring anchor rod; and

the length and spring rate of the coil spring being selected such that when the lure is pulled through water, with the main body member and cap creating drag and circulating water through the main body member and the cap, the slider tube translates with respect to the main body member thereby elongating the coil spring to create tension opposing the drag, and when tension on the lure is released, the slider tube is

translated under spring tension back to the spring anchor rod, thereby creating a fish-attractive, jumping lure motion.

2. The following is an examiner's statement of reasons for allowance: -

In regard to claim 1, the prior art of record does not disclose a fishing lure comprising: the main body member having upwardly-open, U-shaped, longitudinal cross-sections; the main body member having the exit having opposed vertical exterior side walls joined by a curved exterior bottom wall and a back wall; the at least one floatation pontoon adapted to position the fore end of the main body member below the water line and the aft end of the main body member above the water line when the lure is in water at rest; a spring anchor rod fixed to the aft end of the main body member; a guide ring support fixed to the main body member at the mouth; a guide ring depending from the guide ring support; a slider tube interfitted with the guide ring for relative translating motion with respect to the main body member within the guide ring; a cylindrical coil spring extending between a forward end engaged with the spring post and an aft end engaged with the spring anchor rod.

In regard to claim 9, the prior art of record does not disclose a fishing lure, comprising: the main body member having upwardly-open, U-shaped, longitudinal cross-sections, with the main body member tapering to smaller dimensions both vertically and horizontally from the fore end to the aft end; the main body member having the exit having opposed vertical exterior side walls joined by a curved exterior bottom wall and a back wall; the cap having an aft vertical interior wall joined to the back

wall of the exit; two rectangular block-shaped floatation pontoons, each pontoon spanning essentially all of one of two opposing exterior side walls of the main body member, the floatation pontoons adapted to position the fore end of the main body member below the water line and the aft end of the main body member above the water line, when the lure is in water at rest; a spring anchor rod fixed to and spanning the floatation pontoons in the aft end of the main body member; a guide ring support fixed to and spanning interior side walls of the main body member at the mouth; a guide ring depending from the guide ring support; a slider tube interfitted with the guide ring for relative translating motion with respect to the main body member within the guide ring; the spring extending between a forward end engaged with the spring post and an aft end engaged with the spring anchor rod.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733 or (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W. Ark
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DWA